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20 ARLETHA FLUD, THOMAS J. WOOD,
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21 and on behalf of all others similarly situated
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROY D. TAYLOR, ARLETHA FLUD,
THOMAS J. WOOD, ERNEST C.
HARVEY, II, individually, and on behalf
of all other similarly situated,,

Plaintiff,

v.

FEDEX FREIGHT, INC., an Arkansas
Corporation, and DOES 1 through 20,
inclusive,

Defendant.

Case No. 5:10-CV-02118 LHK

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER REGARDING
POSSIBLE CONTINUANCE OF
HEARING ON MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

WHEREAS, the parties have reached a settlement of the above-entitled matter, and a Motion for Preliminary Approval of the class action settlement was filed by the Class on July 22, 2011. On August 5, 2011, Defendant filed a Statement of Non-Opposition, indicating that it did not oppose the motion and attaching a final copy of the Stipulated Settlement Agreement.

WHEREAS, on June 10, 2011, this Court issued an Order setting the hearing date on the Motion for Preliminary Approval for September 1, 2011. That Order indicated that the Court would rule on the papers if possible, and if a ruling on the papers was made, the hearing date would be vacated.

WHEREAS, to the extent a hearing is required on the Motion for Preliminary Approval, it will require attendance of Class Counsel, Counsel for Defendant and Defendant's General Counsel to work through any issues identified by the Court.

WHEREAS, lead trial counsel for Defendant FedEx Freight, Inc., Keith Jacoby, is set for trial in a matter in the U.S. District Court for the Central District before Judge Margaret S. Morrow in the matter of *Cordova v. Comerica Bank*, Case No. 09-CV-08905 MMM (PLAx). That trial is set to commence on August 30, 2011 and is not expected to be concluded by September 1,

2011. All pre-trial work has been done on the case, and Judge Morrow has indicated that she is available for trial on the scheduled date.

WHEREAS, Defendant's General Counsel, Richard Goldaber, is also unavailable on September 1, 2011, due to a previous commitment.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Roy Taylor, Arletha Flud, Thomas Wood and Ernest Harvey and Defendant FedEx Freight, Inc., through their respective counsel, and subject to approval by the Court, that to the extent a hearing on the pending Motion for Preliminary Approval of Class Action Settlement is necessary, the hearing shall be moved one week to September 8, 2011, or another mutually convenient date should the Court be unavailable on September 8, 2011. The Case Management Conference, which is currently set for September 1, 2011, shall also be moved to the same date. The Parties will file a Joint Case Management Conference Statement by September 1, 2011.

Dated: August 15, 2011

/s/
MICHELLE B. HEVERLY
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
FEDEX FREIGHT, INC.

Dated: August 15, 2011

/s/
MICHAEL L. CARVER
LAW OFFICES OF MICHAEL L. CARVER
Attorneys for Plaintiffs

ORDER

The Court having reviewed the foregoing joint stipulation, IT IS HEREBY ORDERED as follows:

The Motion for Preliminary Approval of Class Settlement of the above captioned case shall be heard on September 15, 2011. The Case Management Conference shall be scheduled for the same day. The Parties shall file a Case Management Conference Statement by September 1, 2011.

Dated: August 19, 2011


HONORABLE LUCY KOH